

**SUPREME COURT
OF THE
STATE OF CONNECTICUT**

NO. X06-UWY-CV-18-6046436-S

NO. X06-UWY-CV-18-6046437-S

NO. X06-UWY-CV-18-6046438-S

S.C. _____

**Lafferty, Erica, et al.
Plaintiffs-Respondents**

v.

**Jones, Alex Emric, et al.
Defendants-Applicants**

APPLICATION FOR CERTIFICATION TO APPEAL PURSUANT TO C.G.S. § 52-265a
AND ATTACHED APPENDIX

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QUESTIONS OF LAW ON APPEAL

- I. Whether a Trial Court Can Find Bad Faith Conduct and Hold a Defendant in Contempt When a Defendant Submits to the Court, and Relies on, a Notarized Doctor's Letter Advising The Client Not To Attend Court Proceedings and Then Refuses to Attend a Court-Ordered Deposition?
- II. Whether a Trial Court Can Impose a Cascading Fine of \$25,000 Per Day, Increasing \$25,000 Each and Every Day, Until Such Time as an Out-of-State Deponent Travels to Connecticut to Attend a Deposition?
- III. Whether the Trial Court Abused its Discretion by Imposition of Sanctions and a Finding of Contempt on an Expedited Basis for Conduct that Did Not Take Place in the Presence of the Trial Court?

NATURE OF THE APPLICATION

It would take a gift of understatement the undersigned do not possess to characterize as a mere abuse of discretion Superior Court Judge Barbara Bellis' decision to hold a defendant in a civil action in contempt and requiring him to pay fines totaling potentially \$1.65 million for relying on a doctor's note to not attend a deposition. Respect for the court as an institution and the Rules of Professional Conduct require reticence. But this Court can, and should, react promptly and swiftly in this public interest appeal. First, the defendant requests an immediate stay of the fine provision, ordered on the afternoon of March 30, 2022, and set to begin accruing on a daily basis on April 1, 2022. Second, the defendant requests permission to take a public interest appeal on this extraordinary fine and Judge Bellis' order holding Jones in contempt. Whatever inherent authority the courts may have to enforce their orders, due process, proportionality, and a respect for orderly fact-finding all require setting aside this extraordinary order.

The defendant in this case is Alex Jones, and, to many, that is reason enough to uphold any fine or sanction. But the law, our law, is better than mere vendetta. The law is

at is best when tested and applied to the damned and despised. In the consolidated actions at issue here, Jones and others are sued for comments they made denying that the shootings at the Sandy Hook Elementary School in December 2012 took place. For many Connecticut residents, that is reason enough to hate Jones. One suspects Judge Bellis has succumbed to that hatred.

Pursuant to Conn. Gen. Stat. § 52-265a, Jones seeks permission to take a public interest appeal, which is necessary and proper for two reasons.

First, the case has attracted national attention and is a matter of substantial public interest. Indeed, the plaintiffs' counsel in this case, and related Texas proceedings, routinely turn to the press to decry Jones. In this case, lead counsel, in derogation of the rule prohibiting prejudicial extrajudicial comments, referred to Jones as a coward, afraid to sit for questions under oath. In fact, Jones sat for multiple depositions in related Texas cases, has sworn averments under oath, and has supplied thousands of pages of documents. Second, Judge Bellis' extraordinary order works a substantial injustice. One searches in vain for anything like it in Connecticut. The applicant is unable to provide a copy of the order, set to take effect tomorrow, because it was announced in open court yesterday. The undersigned have been informed a transcript of the order will not be available, even on an expedited basis, until after 5 P.M. today.¹

BRIEF HISTORY AND STATEMENT OF THE CASE

As part of a rescheduling agreement between counsel, Alex Jones's deposition in the underlying case was rescheduled for March 23, 2022 and March 24, 2022 in Austin,

¹ The undersigned will file a copy of the transcript with the court as soon as they receive it. To supplement the record, they have included Judge Bellis' written order denying their motion for reconsideration, which contains the operative components of her ruling.

Texas, where Jones resides. The deposition was duly noticed under cloak of a court approved commission to take a deposition. A11. The plaintiffs did not subpoena Jones.

On March 21, 2022, Jones' counsel sought an emergency protective order to temporarily delay the deposition on the advice of Jones' doctor. A2-A3. The court denied the motion after a hearing on March 22, 2022 and ordered Jones to appear for deposition the following day. A5. He was told he could bring his doctor with him if he liked. Counsel for Jones submitted an additional affidavit and a notarized letter from another treating physician in a renewed motion for a protective order. A18-A19. The court denied the second protective order, requiring Jones to appear unless otherwise hospitalized.

On March 23, 2022 and March 24, 2022, counsel for the Plaintiffs and counsel for Jones appeared at the place designated in Austin, Texas for his deposition. Jones did not appear.

Jones' nonappearance came upon the advice of a physician, Dr. Benjamin Marble, who arrived in Austin to visit him on March 20, 2022. A22-A23. On March 21, 2022, Dr. Marble's personal observations of Jones so alarmed him that he insisted on conducting a physical examination of Jones. A22. He immediately advised Jones to go to an emergency room or call 911. A22. After Jones refused, Dr. Marble advised him to stay home, which Jones did not do. A22-A23. Dr. Marble subsequently arranged for a comprehensive medical workup to be conducted for Jones on March 23, 2022 by Dr. Amy Offutt. A23.

Dr. Marble remained firm in his initial recommendation that Jones neither attend a deposition nor return to work until the results of the comprehensive medical workup were returned, and he opined that Jones stood at serious risk of harm. A23.

Jones completed his testing with Dr. Offutt on March 23, 2022. A24. Dr. Offutt described Jones' medical issues as time-sensitive and potentially serious, and she advised him to avoid too much stress pending further testing. A24. Dr. Offutt also provided him with ER precautions, and she advised him not to attend court proceedings. A24.

These items were presented to the trial court and entered as exhibits at the March 24, 2022 deposition.

The plaintiffs sought emergency relief from the trial court, and the Court called for an expedited briefing schedule on what, if any, sanction should enter. A17. Thereafter, it permitted the Plaintiffs to file a supplemental motion to hold Jones in contempt. No show cause order was entered. Argument took place on the afternoon of March 30, 2022. The court took no evidence, and relied merely on arguments of counsel. Among the relief sought by the plaintiffs was an order for the arrest of Jones. A7-A8.

At approximately 2:30 p.m. on March 30, 2022, the trial court ruled from bench, holding Jones in contempt, finding he acted in bad faith, and imposed a fine of \$25,000 per business day, said fine increasing by \$25,000 each business day until Jones sits for two days of depositions. A1. He is required to travel to Connecticut. The fines are to end on April 15, 2022. If Jones completes the depositions, he can apply to the court for return of the fines. In addition, the court ordered that Jones must pay the costs associated with the aborted depositions in Texas. The court wisely did not order a *capias*.

The fines are set to begin accruing on April 1, 2022, despite the fact that no deposition notice for Jones has been served. Indeed, after the sanctions order entered, the plaintiffs noticed the depositions of four other persons – and not Jones – during the week of April 4, 2022. These depositions had previously been agreed upon by all counsel

in the case. The trial court denied a motion to reconsider staying imposition of the fines until April 11, 2022, saying that it was incumbent on Jones, in effect, to notice his own deposition by providing the plaintiffs with 24-hours notice of his availability.

The plaintiffs never sought to reschedule Jones' depositions, turning, instead, as they have done at almost every juncture in this case, for relief in the form of sanctions. The trial court previously entered an order of default, a ruling that will be appealed come final judgment, in a ruling that both faults Jones and impugns counsels' integrity. Previously, this Court heard a public interest appeal on entry of a sanction imposed early in the proceedings. After more than one year of deliberations, this Court upheld the sanction on grounds neither briefed by the parties nor articulated by the trial court. *Lafferty et al., v. Jones, et al.*, 336 Conn. 332 (2020).

ARGUMENT

I. A Trial Court Cannot Find Bad Faith Conduct and Hold a Defendant in Contempt When a Defendant Submits to the Court, and Relies on, a Notarized Doctor's Letter Advising The Client Not Attend Court Proceedings and then Refuses to Attend a Court-Ordered Deposition, and no Other Evidence is Presented.

The trial court held no evidentiary hearing whatsoever in reaching its decision that Jones acted in bad faith. Instead, it substituted its judgment for an affidavit and letter signed under oath by physicians on whom Jones relied in electing not to attend a deposition. If the court had serious doubts as to either's validity, this Court's precedents required it to do more than rely on its intuitions and the arguments of the plaintiffs' counsel. *See Puff v. Puff*, 334 Conn. 341, 366 (2020) (holding that courts must do more than rely on representations of counsel to hold someone in contempt). The summary process

resulted in clearly erroneous factual findings. It relied on no factual findings at all, and the court held Jones in contempt based on its unarticulated assumptions.

Additionally, to award attorneys' fees and costs, a court must find a party acted in bad faith. *Berzins v. Berzins*, 306 Conn. 651, 663 (2012). The uncontroverted record before the court showed that Jones received a series of specific orders from his physicians: (1) go to the emergency room; (2) remain at home; (3) do not attend your deposition pending medical tests. Concededly, Jones did not heed some of these orders initially by refusing to go to the emergency room or to remain home.

After he received further testing, he ultimately did remain home upon his doctors' advice after it was impressed upon him that he was on the verge of being sent to the emergency room. That included foregoing his deposition pending the results of further medical tests.

Jones has never sought to indefinitely postpone his deposition or to escape it entirely. Instead, he has sought to have it postponed until his doctors clear him to sit for it. He ultimately heeded his doctors' advice. He did not appear for the second day of his deposition because his doctors were actively working to determine whether he should be in the emergency room instead of that deposition. That is not bad faith or contemptuous conduct. That is prudence.

II. A Trial Court Cannot Impose a Cascading Fine of \$25,000 Per Day, Increasing \$25,000 Per Business Day, Until Such Time as an Out-of-State Deponent Travels to Connecticut to Attend a Deposition, said Fine Being Wholly Disproportionate

Civil contempt sanctions cannot be boundaryless. The 14th Amendment's Due Process Clause prohibits courts from depriving a person of property through a coercive fine. See *United States v. City of Yonkers*, 856 F.2d 444, 459 (1988). So does the due

process clause of the state constitution and the normal limitations on a judge's discretion to issue sanctions.

Yonkers is instructive as to this prohibition. The City of Yonkers had an annual budget of \$337 million. *Id.* at 460. The trial court imposed a progressive fine schedule, but the cumulative cost after day 25 reached more than \$1 billion. *Id.* at 460. After day 30, it reached more than \$50 billion. *Id.* at 460. While the Second Circuit relied on limits on the district court's discretion to curtail this exactment, it held that the fine had become confiscatory despite the fact that the City could purge its contempt. *Id.* at 459-60.

Likewise, in *Usowski v. Jacobson*, 267 Conn. 73 (2003), the plaintiff provided a list of 122 potential witnesses who had no real knowledge of material facts. The plaintiff then revised the list to 39 witnesses. The trial court ultimately ordered the plaintiffs to prepay the cost of taking 118 depositions – an amount of \$72,216. Particularly important to the Appellate Court and the Supreme Court's reversal of the trial court was that the trial court had imposed an excessive sanction that gave the plaintiff a license to abuse it. *Id.* at 88-89.

Here, the trial court has imposed a confiscatory fine on Jones that requires him to produce a daily fine of \$25,000 per-weekday that will increase by \$25,000 per-weekday despite the Plaintiffs' counsel already being committed for depositions on the days where Jones should be able to purge his contempt. The end result is that Jones will be compelled to produce the daily sums – \$25,000; \$50,000; \$75,000; \$100,000; \$125,000; \$150,000 – before he receives a meaningful opportunity to purge the sum, essentially posting \$525,000 bond. If the Plaintiffs' counsel insist on delaying his deposition further, he will

be compelled to pay additional daily amounts - \$175,000; \$200,000; \$225,000; \$250,000; \$275,000 – for a total fine total of \$1,650,000.²

The fine is both confiscatory in violation of the due process principles of the federal and state constitutions and an abuse of the trial court's discretion. Additionally, like *Usowski*, the trial court's ruling has given an open-ended license to the Plaintiffs' counsel to abuse sanctions imposed against Jones.

III. The Trial Court Abused its Discretion by Imposition of Sanctions and a Finding of Contempt on Expedited Basis for Conduct that Did Not Take Place in the Presence of the Trial Court

There is a distinct difference between direct contempt and indirect contempt. Direct contempt concerns conduct that occurs within the presence of the court while indirect contempt occurs outside the presence of the Court. See *Quaranta v. Cooley*, 130 Conn.App. 835, 841 (2011). This distinction makes an enormous difference in the procedures that the Court must follow.

“[T]here are constitutional safeguards that must be satisfied in indirect contempt cases. It is beyond question that due process of law ... requires that one charged with contempt of court be advised of the charges against him, have a reasonable opportunity to meet them by way of defense or explanation, have the right to be represented by counsel, and have a chance to testify and call other witnesses in his behalf, either by way of defense or explanation.... Notice, to comply with due process requirements, must be given sufficiently in advance of scheduled court proceedings so that reasonable opportunity to prepare will be afforded, and it must set forth the alleged misconduct with particularity....”

Id. at 845-46. Jones never waived these rights.

² Ironies abound in this case. This sum is almost precisely the sum offered by Jones to the Plaintiffs the day before in offers of compromise. He made an offer of \$120,000 for each of the 15 plaintiffs. The Plaintiffs promptly rejected the offers. The court apparently took the position that, if Jones had the money to settle the claims, he could pay this fine. Such reverse engineering of the fine is suspect.

The Plaintiffs filed their motion for contempt on March 25, 2022, which constituted a new separate filing in addition to the motion that the Jones Defendants requested additional time to brief and which the court set a briefing and hearing schedule for in its March 23, 2022 order (Dkt. 734.10). Thus, the scheduled March 30, 2022 hearing did not afford Jones a meaningful opportunity to prepare his defenses at that hearing. There was simply no need for a rush to judgment. The court's fulmination that this case will not be delayed rings hollow. The court had, for months on its docket, two highly complex trials involving Sandy Hook plaintiffs scheduled for the same time – the so-called Remington case and this case, complex cases that could not be tried simultaneously. Why the solicitude for the plaintiffs in these cases?

A person commits civil contempt when he violates a court order requiring him “in specific and definite language to do or refrain from doing an act or series of acts.” *Puff v. Puff*, 334 Conn. 341, 364 (2020). Because contempt is a harsh remedy, it should not be based on implication or conjecture, but clear and unequivocal language. *Id.* A party must willfully violate an order to commit contempt, and the party seeking an order of contempt must prove, by clear and convincing evidence, “a clear and unambiguous directive to the alleged contemnor and the alleged contemnor’s willful noncompliance with that directive.” *Id.* at 365. Should the moving party carry this burden, the alleged contemnor receives an opportunity to demonstrate an inability to comply with the court order. *Id.*

“A judgment of contempt cannot be based on representations of counsel in a motion, but must be supported by evidence produced in court at a proper proceeding.” *Id.* at 366. Here, the Plaintiffs supply no evidence except the representations of counsel, which are insufficient to grant the motion on the basis of the moving papers only.

There is no dispute that Jones did not appear for his deposition on March 24, 2022 as ordered. Why he did not appear is a matter in dispute that can only be settled by the presentation of evidence in a contempt hearing.

With respect to the court's orders, Jones reasonably could have concluded that its directive that his attendance at his deposition would be excused if he was hospitalized due to escalating symptoms also encompassed the opportunity for a trained medical professional to assess and determine whether escalating symptoms required hospitalization. In other words, the carve-out supplied by the court's order left some leeway for Jones to safeguard his health and whether Jones properly used that carve-out is a question of fact that can only be determined after a hearing. The resolution of that same question would also resolve the willfulness prong.

The trial court's orders created an unconscionable choice for Jones. He received his physicians' prognostications that his medical conditions were of such a serious nature that they were recommending that he pay a visit to the emergency room. When he refused, they relented only so far as he did not submit himself to stress, and they ordered him not to attend his deposition. Facing an all-day deposition conducted by a former federal prosecutor in a hotly contested case is no walk in the park.

With an active decision-making process ongoing on whether Jones should be sent to the emergency room, Jones fell comfortably into the Court's exception for his absence at his deposition.

CONCLUSION

Mr. Jones requests the order of stay on this extraordinary order, and an opportunity to more fully brief the issues presented here.

Dated: March 31, 2022

Respectfully Submitted,

Alex Jones,
Infowars, LLC;
Free Speech Systems, LLC;
Infowars Health, LLC; and
Prison Planet TV, LLC

BY: /s/ Norman A. Pattis /s/
/s/ Cameron L. Atkinson /s/
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CERTIFICATIONS

The undersigned hereby certifies the following:

That the foregoing has been delivered electronically to the last known e-mail address of each counsel of record for whom an e-mail address has been provided, pursuant to PB § 67-2(b); and

Judge Barbara Bellis
Connecticut Superior Court
1 Court Street, Middletown, CT 06457

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That the foregoing has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law, pursuant to PB § 67-2(i)(3);

That the foregoing complies with all other applicable provisions of the Practice Book.

That counsel has complied with all other applicable provisions of the Practice Book.

/s/ Cameron L. Atkinson /s/

**SUPREME COURT
OF THE
STATE OF CONNECTICUT**

NO. X06-UWY-CV-18-6046436-S

NO. X06-UWY-CV-18-6046437-S

NO. X06-UWY-CV-18-6046438-S

S.C._____

**Lafferty, Erica, et al.
Plaintiffs-Respondents**

v.

**Jones, Alex Emric, et al.
Defendants-Applicants**

DEFENDANTS-APPLICANTS ATTACHED APPENDIX

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DOCKET NO: UWYCV186046436S

SUPERIOR COURT

ORDER 421277

LAFFERTY, ERICA Et Al
V.
JONES, ALEX EMRIC Et Al

JUDICIAL DISTRICT OF WATERBURY
AT WATERBURY

3/30/2022

ORDER

ORDER REGARDING:
03/30/2022 786.00 MOTION TO REARGUE/RECONSIDER

The foregoing, having been considered by the Court, is hereby:

ORDER: DENIED

It would be inappropriate for the plaintiffs to serve a re-notice of deposition on Mr. Jones, as it is now entirely up to Mr. Jones as to whether and when he will be deposed. Mr. Jones is in contempt of court, and in order to purge the contempt, it is incumbent upon him, if he so desires, to provide, on two occasions, a minimum of 24 hours notice of his attendance at a weekday deposition at the office of plaintiffs' counsel in Bridgeport, and to actually sit for the depositions. Plaintiffs' counsel are expected to conduct the depositions provided that the minimum of 24 hours notice has been given to all parties. As such, the order stands. The court has imposed a \$25,000 per-weekday fine commencing on Friday April 1, 2022, increasing by \$25,000 per-weekday until Mr. Jones sits for two days of depositions, and the fine is stayed on the days that Mr. Jones attends his deposition.

Judicial Notice (JDNO) was sent regarding this order.

421277

Judge: BARBARA N BELLIS

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

NO. X06-UWY-CV-18-6046436 S :	SUPERIOR COURT
ERICA LAFFERTY, ET AL :	COMPLEX LITIGATION DOCKET
V. :	AT WATERBURY
ALEX EMRIC JONES, ET AL :	MARCH 21, 2022
<hr/>	
NO. X06-UWY-CV-18-6046437 S :	SUPERIOR COURT
WILLIAM SHERLACH :	COMPLEX LITIGATION DOCKET
V. :	AT WATERBURY
ALEX EMRIC JONES, ET AL :	MARCH 21, 2022
<hr/>	
NO. X06-UWY-CV-18-6046438 S :	SUPERIOR COURT
WILLIAM SHERLACH, ET AL :	COMPLEX LITIGATION DOCKET
V. :	AT WATERBURY
ALEX EMRIC JONES, ET AL :	MARCH 21, 2022
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AMENDED MOTION FOR PROTECTIVE ORDER RE: DEPOSITION OF ALEX JONES

The Plaintiffs in the instant case have noticed the deposition of Alex Jones and are prepared to go forward on Wednesday and Thursday of this week in Austin, Texas. Indeed, at least one counsel for the plaintiffs is already in Austin; the undersigned intends to fly to Austin tomorrow. A second deposition of Robert Dew is scheduled in Austin for Friday.

At approximately 3:30 p.m. this afternoon, the undersigned received a telephone call alerting him that Mr. Jones was under the care of a physician for medical conditions that require immediate, and possibly, emergency testing. I spoke with a person representing himself to be a physician: he told me he was a licensed physician, had the qualifications to render an opinion about Mr. Jones' health, and that his opinion was that Mr. Jones should not sit for depositions this week. I asked for a signed letter from the physician.

My client has not authorized me to disclose the nature of the medical conditions or the identity of the physician. It is my hope that upon receipt of the physician's letter, I can share it with the Court on an *ex parte* basis.

WHEREFORE, defendants respectfully move this court for an order to postpone the

deposition of Alex Jones for a reasonable period of time consistent with his medical condition.

Respectfully Submitted,

Alex Emrich Jones;
Infowars, LLC;
Free Speech Systems, LLC;
Infowars Health, LLC; and
Prison Planet TV, LLC

BY: /s/ Norman A. Pattis/s/
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CERTIFICATION

This is to certify that a copy of the foregoing has been emailed and/or mailed, this day, postage prepaid, to all counsel and pro se appearances as follows:

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DOCKET NO: UWYCV186046436S

SUPERIOR COURT

ORDER 421277

LAFFERTY, ERICA Et Al
V.
JONES, ALEX EMRIC Et Al

JUDICIAL DISTRICT OF WATERBURY
AT WATERBURY

3/22/2022

ORDER

ORDER REGARDING:
03/22/2022 730.00 MOTION FOR PROTECTIVE ORDER

The foregoing, having been considered by the Court, is hereby:

ORDER:

Denied, for the reasons stated on the record.

Judicial Notice (JDNO) was sent regarding this order.

421277

Judge: BARBARA N BELLIS

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

NO. X06-UWY-CV18-6046436-S : SUPERIOR COURT
ERICA LAFFERTY, ET AL. : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : MARCH 23, 2022

NO. X06-UWY-CV18-6046437-S : SUPERIOR COURT
WILLIAM SHERLACH : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : MARCH 23, 2022

NO. X06-UWY-CV18-6046438-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL. : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : MARCH 23, 2022

**EMERGENCY MOTION FOR ORDER REQUIRING ALEX JONES TO APPEAR FOR
DEPOSITION ON PENALTY OF CIVIL CONTEMPT, INCLUDING THE ISSUANCE
OF AN ORDER DIRECTING THE ARREST OF ALEX JONES IN ORDER TO
SECURE HIS PRESENCE TO APPEAR BEFORE THE COURT AND TESTIFY**

The plaintiffs in the above-captioned cases hereby seek an order requiring defendant Alex Jones to appear for deposition in this case and giving explicit notice, as further stated herein, that if Mr. Jones does not appear for the ordered deposition, the Court may issue civil contempt penalties, up to and including the issuance of a writ or order to arrest Mr. Jones and bring him before the Court to testify.

In support of this Motion, the plaintiffs represent as follows:

1. Mr. Jones's deposition was noticed for today, March 23, 2022. A copy of the notice is attached as Exhibit A. That notice indicates that the deposition will also take place tomorrow, March 24, in the same location.
2. Mr. Jones's counsel sought an emergency protective order to prevent the deposition, which the Court denied yesterday. DN 730.10.
3. The Court's standing order is that a noticed deposition will go forward unless a protective order is granted.
4. Mr. Jones did not appear for his deposition today, March 23.
5. The plaintiffs have a right under Connecticut law to take Mr. Jones's deposition, and they seek the Court's assistance in enforcing that right.
6. The Court has authority under the Connecticut Practice Book and inherent authority to enforce its own orders.
7. The plaintiffs' counsel is present in Austin, as is Attorney Pattis.
8. Tomorrow, March 24, 2022, the parties and Mr. Jones had reserved for deposition.
9. Mr. Jones is a defendant in this case, and as such, his deposition was compelled by proper notice already served on him. Practice Book § 13-29(c).
10. Further, the Court's order in this case that a noticed deposition will go forward, and its denial of Mr. Jones's Motion for Protective Order, DN 730.10, constitute orders to appear for deposition, which Mr. Jones has flouted.
11. In addition to its sanctioning power under the Practice Book, the Court has inherent authority to sanction a party for discovery violations. *See Millbrook Owners Ass'n, Inc. v. Hamilton Standard*, 257 Conn. 1, 12-14 (2001). "[A]ny person ... misbehaving or disobeying any order of a judicial authority in the course of any judicial proceeding may be adjudicated in contempt and appropriately punished." *Redding Life Care, LLC v. Town of Redding*, 331 Conn. 711, 741 (2019) (quoting Practice Book § 1-13A (a)).
12. These powers include the power to direct an officer to arrest a non-appearing witness and bring him before the Court to testify. "[I]ssuance of a capias is in the discretion of the court." *Hous. Auth. of City of New Haven v. DeRoche*, 112 Conn. App. 355, 372 (2009); *see also* "If [the defendant] fails to appear on the date and at the time set forth herein, or fails to produce the designated materials, or fails to respond to the deposition questions in good faith, the court will make itself available to hear the plaintiff's request for the issuance of a capias or any other appropriate order." *New*

England Bank v. Green, No. CV106002946S, 2011 WL 726697, at *3 (Conn. Super. Ct. Feb. 4, 2011) (DanaHER, III, J.). See Conn. Gen. Stat. § 52-143(e) (the court may issue an order directed to a proper office to “to arrest the witness and bring him before the court to testify.”); Practice Book § 13-28(f).

13. The plaintiffs wish to depose Mr. Jones. They wish for him to answer questions under oath, on the record, so that his testimony may be shown to the jury and the Court.
14. The plaintiffs seek sanctions that will cause Mr. Jones to appear.

For these reasons, the plaintiffs move the Court to issue the following orders and impose the following sanctions:

- A. Mr. Jones is ordered to appear and attend his deposition tomorrow, March 24, 2022 as already noticed; and
- B. Such order is on pain of civil contempt, including the issuance of an order directing an officer to arrest Mr. Jones and bring him before the Court to testify for his deposition; and
- C. The plaintiffs are awarded reasonable fees and costs for today’s deposition, as well as for the drafting of this Motion.

THE PLAINTIFFS,

By: /s/ Christopher M. Mattei
CHRISTOPHER M. MATTEI
ALINOR C. STERLING
MATTHEW S. BLUMENTHAL
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JURIS #32250

CERTIFICATION

I certify that a copy of the above was or will immediately be mailed or delivered electronically or nonelectronically on this date to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were or will immediately be electronically served.

For Alex Emric Jones, Infowars, LLC, Free Speech Systems, LLC, Infowars Health, LLC and Prison Planet TV, LLC:

Norman A. Pattis, Esq.
Cameron Atkinson, Esq.
Pattis & Smith, LLC
383 Orange Street, First Floor
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P: 203-393-3017
npattis@pattisandsmith.com
catkinson@pattisandsmith.com

For Genesis Communications Network, Inc.

Mario Kenneth Cerame, Esq. (via USPS)
Brignole & Bush LLC
73 Wadsworth Street
Hartford, CT 06106
P: 860-527-9973

/s/ Christopher M. Mattei

CHRISTOPHER M. MATTEI

ALINOR C. STERLING

MATTHEW S. BLUMENTHAL

EXHIBIT A

NO. X06-UWY-CV-18-6046436-S : SUPERIOR COURT
ERICA LAFFERTY, ET AL. : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : MARCH 11, 2022

NO. X06-UWY-CV-18-6046437-S : SUPERIOR COURT
WILLIAM SHERLACH : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : MARCH 11, 2022

NO. X06-UWY-CV-18-6046438-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL. : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : MARCH 11, 2022

RE-NOTICE OF VIDEOTAPED DEPOSITION

PLEASE TAKE NOTICE that the Plaintiffs in the above-captioned matter will take the videotaped deposition of **ALEX EMRIC JONES** on **Wednesday, March 23, 2022 at 10:00 a.m. Eastern Time (9:00 a.m. Central Time)** and continuing to **Thursday, March 24, 2022** and until such deposition is complete, to be held in the Tesla Fiber Room at the offices of fibercove, 1700 South Lamar Boulevard, Suite 338, Austin, TX 78704, with remote videoconference available for participating counsel, before a notary public or other competent authority. The Plaintiffs also request that **ALEX EMRIC JONES** produce the items, documents, and information described in the Schedule A attached hereto.

THE PLAINTIFFS,

By /s/ Christopher M. Mattei, Esq.
CHRISTOPHER M. MATTEI
ALINOR C. STERLING
MATTHEW S. BLUMENTHAL
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Telephone: (203) 336-4421
Fax: (203) 368-3244
JURIS #32250

CERTIFICATION

This is to certify that a copy of the foregoing has been emailed and/or mailed on this day to all counsel and *pro se* appearances as follows:

For Alex Emric Jones, Infowars, LLC, Free Speech Systems, LLC, Infowars Health, LLC and Prison Planet TV, LLC:

Norman A. Pattis, Esq.
Cameron Atkinson, Esq.
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For Genesis Communications Network, Inc.

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/s/ Christopher M. Mattei, Esq.
CHRISTOPHER M. MATTEI
ALINOR C. STERLING
MATTHEW S. BLUMENTHAL

DOCKET NO: UWYCV186046436S

SUPERIOR COURT

ORDER 421277

LAFFERTY, ERICA Et Al
V.
JONES, ALEX EMRIC Et Al

JUDICIAL DISTRICT OF WATERBURY
AT WATERBURY

3/23/2022

ORDER

ORDER REGARDING:
03/23/2022 734.00 MOTION FOR ORDER

The foregoing, having been considered by the Court, is hereby:

ORDER:

The court declines to issue a capias at this time. but notes that should Mr. Jones fail to appear for the deposition tomorrow, he will be in direct contempt of the court's orders requiring him to appear for his deposition. Nothing prevents the plaintiffs from pursuing a motion for commission and subpoena, nor are the plaintiffs prevented from seeking sanctions should Mr. Jones continue to disregard the court's orders. The Jones defendants have requested an additional opportunity to be heard regarding the other sanctions that the plaintiffs have requested, and the court agrees that all parties should be given adequate time to brief the issues. As such, the plaintiffs should file a new motion regarding the deposition and sanctions, if they so desire, by 5:00 p.m. March 25, 2022, the defendants should file any opposition by 10:00 a.m. on March 29, 2022, and the plaintiffs should file a reply, if any, by 10:00 a.m. on March 30, 2022. A hearing will be held on this issue on March 30, 2022 at 2:00 p.m.

Judicial Notice (JDNO) was sent regarding this order.

421277

Judge: BARBARA N BELLIS

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

NO. X06-UWY-CV-18-6046436-S : SUPERIOR COURT
ERICA LAFFERTY, ET AL : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL : MARCH 23, 2022

NO. X06-UWY-CV-18-6046437-S : SUPERIOR COURT
WILLIAM SHERLACH : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL : MARCH 23, 2022

NO. X06-UWY-CV-18-6046438-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL : MARCH 23, 2022

RENEWED MOTION FOR PROTECTIVE ORDER RE: DEPOSITION OF ALEX JONES

The defendant, Alex Jones, renews his “Amended Motion for Protective Order RE: Deposition of Alex Jones,” filed on, March 21, 2022. See, Dkt# 730.00. In support of this renewed motion the defendant submits the sworn statements of two medical professionals: Dr. Benjamin Marble and Dr. Amy Offutt. These statements are attached hereto as Exhibit A.

As part of a rescheduling agreement between counsel, the deposition of Alex Jones in this case was rescheduled to occur on March 23, 2022 and March 24, 2022. On March 21, 2022, Mr. Jones’ counsel sought an emergency protective order to temporarily delay the deposition on the advice of Mr. Jones’ doctor. The Court denied the motion after a hearing on March 22, 2022.

On March 23, 2022, counsel for the Plaintiffs and counsel for Mr. Jones appeared at the place designated in Austin, Texas for his deposition. Mr. Jones did not appear for

attached hereto as Exhibit 1.

WHEREFORE, based on the forgoing and the sworn statements from two separate doctors attached hereto, the Jones Defendants respectfully renew their request moving the Court for an order to postpone the deposition of Alex Jones for a reasonable period of time consistent with his medical condition.

Respectfully Submitted,

Alex Emrich Jones;
Infowars, LLC;
Free Speech Systems, LLC;
Infowars Health, LLC; and
Prison Planet TV, LLC

BY:/s/ Norman A. Pattis/s/
Norman A. Pattis,
PATTIS & SMITH, LLC
Juris No. 423934
383 Orange Street
New Haven, CT 06511
V: 203-393-3017 F: 203-393-9745
npattis@pattisandsmith.com

ORDER

The foregoing having been heard; it is hereby ordered:

GRANTED / DENIED

Judge/Clerk

EXHIBIT 1

NO. X06-UWY-CV-18-6046436-S	:	SUPERIOR COURT
ERICA LAFFERTY, ET AL	:	COMPLEX LITIGATION DOCKET
V.	:	AT WATERBURY
ALEX EMRIC JONES, ET AL	:	MARCH 23, 2022

NO. X06-UWY-CV-18-6046437-S	:	SUPERIOR COURT
WILLIAM SHERLACH	:	COMPLEX LITIGATION DOCKET
V.	:	AT WATERBURY
ALEX EMRIC JONES, ET AL	:	MARCH 23, 2022

NO. X06-UWY-CV-18-6046438-S	:	SUPERIOR COURT
WILLIAM SHERLACH, ET AL	:	COMPLEX LITIGATION DOCKET
V.	:	AT WATERBURY
ALEX EMRIC JONES, ET AL	:	MARCH 23, 2022

AFFIDAVIT OF DR. BENJAMIN MARBLE

I, Dr. Benjamin Marble, being duly sworn, hereby state:

1. I am over the age of 18 and understand the meaning of an oath.
2. I am a physician licensed to practice in the states of Florida, Alabama, and Mississippi.
3. I graduated from the University of South Alabama at Mobile Medical School in 1997.
4. I completed my Family Practice Residency in the year 2000.
5. I was nominated for a Nobel Peace Prize in 2021.
6. I arrived in Austin, Texas to visit with Mr. Jones on March 20, 2022.
7. On March 21, 2022, I was so alarmed by my personal observations of Mr. Jones' physical health that I conducted a physical examination of him.
8. Based on that assessment, I immediately advised Mr. Jones to go to an Emergency Room or call 911.
9. Mr. Jones refused to do so.

10. I then advised him to stay at home and rest until further medical testing could be conducted.

11. It is my understanding that Mr. Jones has not remained home as advised.

12. I then arranged for Mr. Jones to have a comprehensive medical workup, to be conducted by Dr. Amy Offutt – of Marble Falls, Texas.


13. Mr. Jones' medical testing with Dr. Offutt was scheduled for this morning – March 23, 2022.

and returned.

15. In my opinion Mr. Jones stands at serious risk of harm if he submits to stressors.

Dr. Benjamin Marble
Dr. Benjamin Marble

Subscribed and sworn before me, this 23 day of March, 2022.

[Signature]


Amy Offutt, MD

707 3rd St
Marble Falls, TX 78654
Phone: (830)693-9355
Fax: (830)693-9194

March 23, 2022

Alex Jones
[REDACTED]

Austin, TX 78735
[REDACTED]

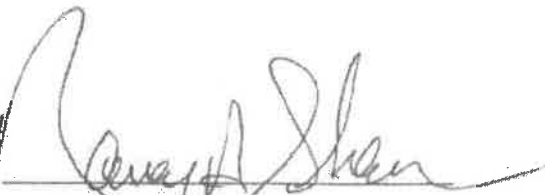
To Whom It May Concern:

This morning, I had a medical visit with Mr. Alex Jones for acute medical issues that were time-sensitive and potentially serious. We started a comprehensive medical evaluation and he has labs that are pending to assess his [REDACTED] status. I have asked him to avoid too much stress until we have results from the blood tests this morning. I also gave him ER precautions if he develops escalating symptoms. As a result of these findings, I am advising him to not attend court proceedings for now.

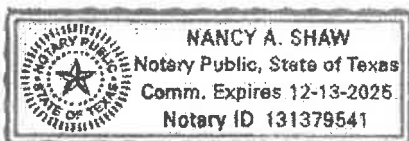
Best Regards,



Amy Offutt, MD



Notary Public



CERTIFICATION

This is to certify that a copy of the foregoing has been emailed and/or mailed, this day, postage prepaid, to all counsel and pro se appearances as follows:

For Genesis Communications Network, Inc.:

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For Trustee Richard M. Coan

Eric Henzy, Esq.
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Norman A. Pattis